

DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS)
)
Plaintiff)
)
v.)
)
CARDIAC SCIENCE, INC., et. al.,)
)
Defendants)
)

Civil Action: **04-30126-MAP**

U.S. DISTRICT COURT
 DISTRICT OF MASSACHUSETTS
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**MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION TO ALLOW ELECTRONIC TESTIMONY**

The Plaintiff, Donald C. Hutchins ("Hutchins") files this memorandum in support of the Plaintiff's Motion to Allow Electronic Testimony.

I. SUMMARY OF POSITION

The Transcript of the September 9, 2004 was transcribed by Alice Moran as part of the Appeal and is in the court record. The Transcript shows that because Hutchins was *pro se*, the Court found it difficult to differentiate between the parts of Hutchins' statements that were said as an advocate and that which could be construed as sworn testimony. It is clear reading the Transcript that Attorney Skaar as an advocate was able to misrepresent certain facts while Hutchins wore the hat of a sworn witness. This distinction inhibits the Court from fulfilling a commitment to a level playing field.

This electronic presentation allows Hutchins to have his words accepted as sworn

testimony. It also allows for a thoughtful presentation that testifies to fact and dates more accurately. A copy of this electronic testimony has been transcribed, placed in written form, notarized and included herein as Exhibit A.

The Plaintiff

Donald C. Hutchins, Pro Se

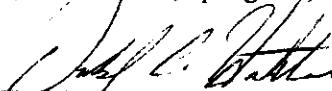

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(413) 567-0606

Dated: December 22, 2005

CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate parties by sending a copy by United States mail to: Randall T. Skaar, Esq. Patterson, Thuente, Skaar & Christensen, P.A., 4800 IDS Center, 80 South 8th St. Minneapolis, Minnesota; 55402, Paul H. Rothschild, Esq. Bacon & Wilson P.C., 33 State St., Springfield, MA 01103; John J. Egan Esq., Egan, Flanagan and Cohen, P.C., 67 Market St., Springfield, MA 01102-9035

Dated: 12/22/05


Donald C. Hutchins